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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,986	02/09/2001	Michael Brumbaugh	10812/3	2253

7590 01/14/2003

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EXAMINER

COHEN, AMY R

ART UNIT	PAPER NUMBER
2859	

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/780,986	BRUMBAUGH, MICHAEL
	Examiner	Art Unit
	Amy R Cohen	2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 October 2002 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-47 is/are pending in the application.

4a) Of the above claim(s) 1-23 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 24-47 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 October 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____ .

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 24-47 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the search for the mounting tool and the method of mounting a position measuring device to a machine tool. This is not found persuasive because although there may be some subclasses within class 33 that overlap for the two inventions, the method of mounting does not require a mounting tool comprising a height gauge as claimed in the mounting tool claims. A search for the mounting tool comprising a height gauge may lead to searches in other classes such as classes for tools, however, a search for a method of mounting would not require going to such classes and therefore, the restriction is still proper.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The original and amended drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 236C is in fact mentioned in the specification on Page 12, lines 12, 14, 17, and 29; 236R,L and 238R,L are also not found in the drawings, Examiner was questioning whether the description on Page 9, lines 19-30 in which 236R,L and 238R,L are described, intended for these reference numbers to indicate the right and left holes of 236A,B and 238A or intended to describe another feature. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over ENC 150 Encoder Mounting Instructions [hereinafter ACU-RITE] in view of Nygren (U. S. Patent No. 5,367,783).

ACU-RITE discloses a method of mounting a position measuring device to a machine tool, comprising: forming holes in a machine tool based on positions of a plurality of mounting holes; aligning said mounting holes of said position measuring device with said holes formed in said machine tool; and attaching said position measuring device to said machine tool (Steps “Saddle Stops” and “Encoder Installation,” page 2).

ACU-RITE discloses the method of mounting a position measuring device wherein said position measuring device comprises a linear encoder and wherein attaching comprises inserting screws into said aligned mounting holes of said position measuring device and said holes formed in said machine tool (Step “Encoder Installation,” page 3 and “Cross Feed Installation” figure, page 4).

ACU-RITE discloses the method of mounting wherein said machine tool does not move along an axis of travel from the time of positioning to said time of attaching (Step “Encoder Installation,” pages 2-3).

ACU-RITE discloses the method of mounting comprising attaching said position measuring device to a reading head bracket prior to said positioning and comprising positioning said reading head bracket against said machine tool; and marking mounting holes of said reading head bracket on the machine tool (Steps “Encoder Installation” and “Reading Head Installation,” pages 2-3).

ACU-RITE discloses the method of mounting comprising detaching said position measuring device from said reading head bracket; and attaching said reading head bracket to said machine tool where said mounting holes are located (Steps “Center Support Installation” and “Reading Head Installation,” page 3).

ACU-RITE discloses a method of mounting a position measuring device to a machine tool, comprising: a spar that is to support a position measuring device; forming holes in said machine tool based on positions of a plurality of mounting holes in the spar; aligning said mounting holes of said spar with said holes formed in said machine tool; attaching said spar to said machine tool; and attaching said position measuring device to said spar (Steps “Cross Feed Installation” figure, page 4 and “Spar Assembly,” page 5-6).

ACU-RITE discloses the method of mounting wherein said attaching of said spar comprises inserting screws into said aligned mounting holes of said position measuring device and said holes formed in said machine tool and wherein said machine tool does not move along an axis of travel from the time of positioning to said time of attaching said spar (Step “Spar Assembly,” pages 5-6).

ACU-RITE does not disclose a method of mounting comprising a template comprising a plurality of mounting holes wherein the template is not a linear encoder and wherein the template is supported on a machine tool during positioning.

Nygren discloses a method for mounting a first device to a second device, comprising: positioning a template (1) adjacent to said second device (17), wherein said template comprises a plurality of holes that correspond to mounting holes of said first device (Col 3, line 25-Col 4, line 18) and said template is distinct from said first device (Col 2, lines 23-44); marking holes in said second device based on positions of said plurality of holes (Fig. 2); aligning said mounting holes in said first device with said holes marked in said second device (Col 2, lines 13-22); wherein the template is not the first device (Col 2, lines 23-44) and wherein the template is supported on said second device during said positioning (Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of mounting of ACU-RITE to include a template comprising a plurality of mounting holes, wherein the template is not the linear encoder and wherein the template is supported by the machine tool, as taught by Nygren, so that a user could save time when installing a linear encoder by using a template which has a plurality of mounting holes and so that a user could install a liner encoder without having to maneuver the linear encoder several times before permanent installation on a machine tool.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents disclose methods of mounting objects Erickson et al. (U. S.

Patent No. 5,940,979), Karon (U. S. Patent No. 5,867,917), and Stanley, Sr. (U. S. Patent No. 5,775,036).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amy R Cohen whose telephone number is (703) 305-4972. The examiner can normally be reached on 8 am - 5 pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (703) 308-3875. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

ARC
January 9, 2003



Diego Gutierrez
Supervisory Examiner
Tech Center 2800